

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KEITH JUDD,)	4:13CV3045
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
BARACK OBAMA, SECRETARY)	
OF STATE OF NEBRASKA, et al,)	
and DEMOCRATIC PARTY OF)	
NEBRASKA,)	
)	
Defendants.)	

This matter is before the court on its own motion. On March 25, 2013, the court entered a Memorandum and Order requiring Plaintiff to either pay the \$350.00 filing fee or submit a prison trust account statement in accordance with [28 U.S.C. § 1915\(a\)\(2\)](#). (Filing No. [6](#).) In doing so, the court warned Plaintiff that failure to comply with the court's Memorandum and Order would result in dismissal of this matter without further notice. (*Id.*)

On April 22, 2013, Plaintiff filed a Motion to Waive Filing Fee.¹ (Filing No. [7](#).) In the Motion, Plaintiff states that [28 U.S.C. § 1915\(a\)\(2\)](#) does not apply to him because he is not appearing in his capacity as a prisoner, but as a "Democratic Candidate for President." (*Id.*) Contrary to Plaintiff's assertion, however, § 1915 applies to prisoners who bring a "civil action." [28 U.S.C. § 1915\(a\)\(2\)](#). The record before the court shows that this matter is a civil action and that Plaintiff is currently confined in the Federal Correctional Institute in Texarkana, Texas. (Filing No. [1](#); Filing No. [7](#) at CM/ECF pp. 2-3.) Because Plaintiff has not paid the filing fee, and

¹Plaintiff had previously filed a Motion for Waiver of Fees (filing no. [4](#)) which the court liberally construed as a Motion for Leave to Proceed In Forma Pauperis. (Filing No. [6](#).)

has not submitted a certified trust account statement in accordance with the court's order, this matter is dismissed.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice for failure to pay the court's filing fee and for failure to comply with a court order.
2. All pending motions are denied.
3. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 7th day of May, 2013.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge

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